

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MANUEL GUADIAN,

Plaintiff,

v.

PROGRESSIVE DEBT RELIEF, LLC,

Defendant.

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EP-23-CV-00235-FM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE**

On this day, the Court considered the “Report and Recommendation” (“R & R”) filed in the above-captioned case by United States Magistrate Judge Robert F. Castañeda (“Judge Castañeda”) on November 8, 2023. R & R.¹ Therein, Judge Castañeda recommends that the District Court deny Progressive Debt Relief’s 12(b)(6) motion to dismiss.²

Because neither party objected to Judge Castañeda’s R & R, the court has reviewed it for clear error.³ As the court finds no clear error, the R & R will be approved and adopted in full. Consistent with the R & R, the Court finds that Plaintiff has plausibly pleaded that Valid Solutions was acting as an agent of Defendant when they made the violative phone calls.

Accordingly, it is **HEREBY ORDERED** that United States Magistrate Judge Robert F. Castañeda’s “Report and Recommendation” [ECF No. 29] is **APPROVED** and **ADOPTED**.

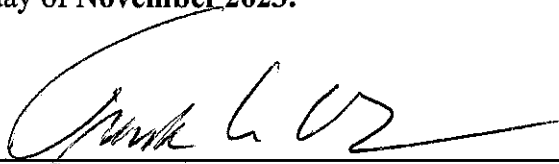
¹ “Report and Recommendation” 1, ECF No. 29, entered Nov. 8, 2023.

² *Id.* at 9.

³ *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1).

It is **FUTHER ORDERED** that Defendant's "Rule 12(b)(6) Motion to Dismiss" [ECF No. 20] is **DENIED** in accordance with the Report and Recommendation.

SIGNED AND ENTERED this 28 day of November, 2023.

A handwritten signature in black ink, appearing to read "Frank L. Montalvo", written over a horizontal line.

FRANK MONTALVO
SENIOR UNITED STATES DISTRICT JUDGE